

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DISSOLVED AIR FLOATATION
CORPORATION
and ACCURATE MECHANICAL
CONTRACTORS, INC.,

Plaintiffs,

v.

Case No. 14-C-1223

BHARAT KOTHARI, RUDY PETERS,
and DAF TECHNOLOGY, LLC,

Defendants.

ORDER FOR MISCELLANEOUS RELIEF

The above-captioned matter came before the court for a telephone hearing on Plaintiffs' Expedited Non-Dispositive Motion for Relief from Order Denying Motion for Contempt. Plaintiffs, Dissolved Air Floatation Corporation and Accurate Mechanical Contractors, Inc., appeared by their attorneys, Heath G. Mynsberge, Dempsey Law Firm, LLP. Defendants, Bharat Kothari and Rudy Peters, did not appear, despite notice of the hearing having been served on their attorney via the electronic case filing system. Having found good cause for vacating its earlier order denying Plaintiffs' motion for contempt and in the absence of any opposition from Defendants, the court granted the motion for relief and directed Plaintiffs' counsel to list those items he had requested of counsel for Defendants that have yet to be provided. Counsel submitted a list and upon offering counsel for Defendants an opportunity to object, and no objection having been made, the court enters the following order.

IT IS HEREBY ORDERED that:

1. The August 29, 2018, Order denying Plaintiffs' motion for contempt is vacated.

2. Defendant Kothari shall within thirty (30) days of the date of this order provide the information listed below. Failure by Mr. Kothari to provide the information requested within thirty (30) days without good cause may result in a finding of contempt and sanctions up to and including incarceration until Kothari complies with this Order. Mr. Kothari shall provide:

- A. Full, written and sworn, responses to Plaintiffs' Second Set of Written Discovery to Bharay Kothari.
- B. All documents requested in Plaintiffs' Second Set of Written Discovery to Bharay Kothari including, but not limited to, all documents requested in Requests for Production of Documents 14-15 including:
 - 1. Tax Transcripts from 2010 to Present;
 - 2. Any documents identified in a Request for Admission or Interrogatory.
- C. A list of all professional books identified in Request for Production Number 58 to Plaintiffs' Corrected Collection Discovery to Bharat Kothari;
- D. A copy of the Title to the automobiles pursuant to Request for Production Number 60.
- E. A copy of the legal description for all real estate in which Kothari owned an interest in as of the date of judgment pursuant to Request for Production Number 63.

3. Defendant Peters shall have thirty (30) days from the date of this order to provide the information listed below. Failure by Mr. Peters to provide the information requested within thirty (30) days without good cause may result in a finding of contempt and sanctions up to and including incarceration until Peters complies with this Order. Mr. Peters shall provide:

- A. His 2017 IRS Tax Returns or such documentation as may permit Plaintiffs to *actually* receive information regarding the same.

4. In the event Defendants fail to comply with this order, Plaintiffs must file a motion for contempt. In the event Plaintiffs intend to request arrest and confinement of Defendants as a sanction for contempt of court, Plaintiffs must provide proof that a copy of their motion seeking such relief, along with notice of the date, time and place of such hearing, is personally served on Defendants.

SO ORDERED this 22nd day of October, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court